

5,689,825. In evaluating alleged anticipation, the Examiner must show that the cited reference includes each and every limitation of the rejected claim within its four corners. Averbuch et al. do not meet this rigid requirement.

5 As per Claim 1, the Applicant teaches a method of downloading a file, consisting of a set of components, from a Internet server to an Internet client, comprising the steps of generating a profile of the file that includes identifying information for each component; initiating a download sequence by
10 which each component is transferred, one-by-one, from the server to the client using an Internet protocol; and when the download sequence is complete, reassembling the components into the file using the profile. Averbuch et al. teach a method and apparatus to download software updates to a wireless communication unit,
15 such as a cell phone. The downloading is accomplished by separating the code into blocks that are dependent on download parameters. These parameters are not used for the purpose of reassembling the file from its constituent parts, but are based on constraints imposed by the system for downloading (i.e.
20 priority indication, connection usage). Also, these parameters merely identify a position in the code where transmission may begin again if interrupted. This is not what Applicant is claiming as his invention.

The invention involves downloading components of a file from
25 a server to a client wherein the file is defined by a profile.

The profile includes "identifying information" for each component. The written description illustrates identifying information as the size of the component, CRC code or other checksum, and the like. Using the identifying information, the individual components can then be reassembled to provide a complete file (see, page 21, lines 7-20).

The use of a profile, including such identifying information for each component, allows for the transfer of multiple components simultaneously or allows the user to request particular components. Averbuch et al., on the contrary, do not teach generating a profile that includes identifying information for each component and reassembling the components into a file using the identifying information in the profile. Independent Claims 1, 8, 17 and 26 have been amended to more clearly reflect that reassembling of the file is accomplished using the component identifying information. This limitation was already present in Claim 12.

The arguments with respect to independent Claims 8, 17, 21, 22, 24, 26, and 31 are substantially the same as those for Claim 1. Also, Claims 2-4, 18-20, 23, 25, 27, and 30 depend from these independent Claims which are allowable for the reasons above. Thus, Applicant respectfully requests that the rejection to Claims 1-4, 8, 17-20, 21, 22-23, 24-25, 26-27, 30 and 31 be withdrawn.

Rejections under 35 U.S.C. §103(a)

The Examiner maintains rejection of Claims 1-31 under 35 U.S.C. § 103 as obvious over Rowe, et al. (U.S. Patent No. 5,737,599), in view of officially recognized prior art. The Examiner has also stated new grounds for rejection of Claims 1-31. Applicant traverses the rejections.

Rowe, et al., shows a system for improving the efficiency of retrieving and viewing Portable Document Format (PDF) files. PDF files are formatted into pages and supporting objects (Figure 3a). PDF files include all the information necessary to properly display a document one page at a time regardless of the computing platform used. Each page may include special objects, such as drawings, and shared objects, such as a font. Special objects are unique to a page. Shared objects are used by more than one page. Before the technique shown in Rowe, et al., the entire PDF file would be downloaded in order to view selected pages. This was required to ensure that all shared objects that were necessary to display the page were available. Alternatively, an inefficient system requiring several connections could be used to download selected pages. This method requires downloading the page and then determining which objects were missing that were necessary to display the page and retrieving them (C2L65-C3L33).

Rowe, et al. shows a revised format that allows the display of selected pages without the need to download the entire file (C7L24-35) or for repeated connections. The shared (60) and special (61) objects are collected at the end of the file. A

range table (64) and page offset table (68) are created to allow retrieval of specific pages. The requested page or pages and all objects are downloaded together. This avoids the need to download the entire file and for repeated connections, thus speeding access to the desired pages.

In contrast to the prior art, the invention of Claim 1 is directed to downloading an entire file using a robust procedure. The invention enables "restarting" a download when interrupted (P3L1-11) without the need to re-send components sent prior to the interruption. The claim includes the step of "generating a profile of the file that includes identifying information for each component." Each component is then downloaded "one-by-one." The file is then reassembled using the profile after all components are received.

The Examiner has admitted that Rowe et al teach a method of downloading that is wholly different from the Applicant's invention. However, the Examiner states that there is "nothing in Rowe that would preclude one from downloading the whole file." The Examiner has also stated in the Office Action dated September 11, 1999 that it would have been "obvious for one skilled in the art to download all of the components [shown in Rowe, et al.] because it would have enabled the user to have a complete copy of the file and would have enabled the user to use the file off-line." Applicant respectfully disagrees with each of these analyses. The technique of Rowe, et al. is specifically designed

to avoid downloading the entire file (C7L24-35). Thus, Rowe, et al. teaches away from the modification to the reference suggested by the Examiner.

As indicated above, Rowe et al. do in fact preclude one from
5 downloading the entire file. Even so, to present a prima facie argument for obviousness, the Examiner must show that all the claim limitations [are] taught or suggested by the prior art. In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (as quoted in MPEP § 2143.03) Thus, obviousness is not based on whether or
10 not the prior art contains some teaching that precludes the Applicant's invention, but whether all of the limitations of the Applicant's invention are taught or suggested by the prior art.

Furthermore, there is nothing in Rowe et al. that suggests the use of the tables generated according to the reference to
15 reassemble the document. There also is nothing to suggest that the information in the tables is suitable for reassembling the document. Further, assuming the table data is suitable for reassembling the document, the range table that provides the overall organizational data is not downloaded to the receiving
20 computer in Rowe, et al. (Figure 10). The receiving computer does not have data necessary data to reassemble the document. Thus, modification of Rowe, et al. to provide the invention of Claim 1 would not have been obvious to one skilled in the art. Therefore, Claim 1 and dependent Claims 2-7 are patentably
25 distinct from the prior art.

Claims 8, 12, 17, 21, 24, 26 and 31 provide methods or means for downloading components of an entire file one-by-one and reassembling the entire file. For the reason stated above with regard to Claim 1, the inventions of these claims are not shown or suggested by the prior art. Therefore, Claims 8, 12, 17, 21, 24, 26 and 31, and dependent Claims 9-11, 13-16, 18-20, 22, 23, 25 and 27-30 are patentably distinct from the prior art.

Claims 27-29 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Averbuch et al. The Applicant respectfully submits that Averbuch et al do not render the Applicant's invention obvious because Averbuch et al. teach a wholly different invention and Averbuch et al. do not teach each and every claim limitation. As discussed above, Averbuch et al. teach a method and apparatus to download software updates to a wireless communication unit, such as a cell phone. The downloading is accomplished by separating the code into blocks which are dependent on download parameters. These parameters are not for the purpose of reassembling component parts into a whole but are based on constraints imposed by the system for downloading (i.e. priority indication, connection usage). In contrast, the Applicants specifically teach separating the file into components, generating a profile for the file that includes identifying information for each component, and reassembling the components using the profile. Averbuch et al. do not teach the same invention nor all the limitations. Nor does Rowe et al.

5 teach all the claim limitations as stated above. Because independent Claims 1, 8, and 12 are not obvious for the reasons stated above and Claims 5-7, 9-11, 13-16, depend from these Claims, the Applicant respectfully requests that the rejection to Claims 5-7, 9-11, 12-16, 27, and 28 be withdrawn.

For the above-stated reasons, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of Claims 1 through 31.

Respectfully submitted,

10 **HUGHES & LUCE, L.L.P.**

By: 

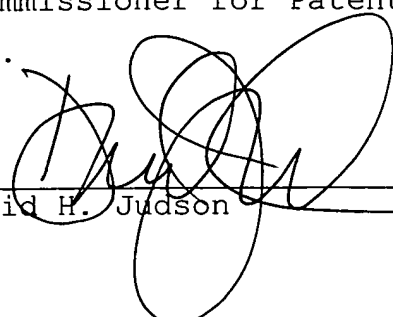
David H. Judson
Registration No. 30,467

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1717 Main Street, Suite 2800
Dallas, Texas 75201
Tel.: (214) 939-5672
Fax: (214) 939-5849
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David H. Judson